

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

COX’S OPENING DEPOSITION TESTIMONY DESIGNATIONS

Pursuant to the Court’s July 22, 2019 Pretrial Scheduling Order, ECF No. 223, Federal Rules of Civil Procedure 26(a)(3) and 32(a)(3), and the Local Rules, Defendants Cox Communications, Inc. and CoxCom, LLC (collectively “Cox”) submit their deposition designations Cox may present at trial as attached hereto as Exhibit A.

Cox reserves the right to designate portions of the deposition testimony of witnesses identified on Plaintiffs’ Witness List, ECF No. 222, as “will call” or “may call” witnesses in the event that Plaintiffs do not offer live testimony from any such witness. Cox further reserves the right to supplement or amend these designations in light of any testimony inadvertently omitted from the current designations and for which reasonable notice is given to Plaintiffs. Cox further reserves the right to use deposition testimony without previously designating it for impeachment purposes and to use any deposition testimony that Plaintiffs designate. Cox also reserves the right to supplement these designations in response to any counter-designations provided by Plaintiffs. Cox reserves the right to challenge and object to Plaintiffs’ use of any testimony in

Cox's designations on any appropriate grounds, and by including testimony in its designations Cox does not waive any objections to the admissibility of any testimony.

Additionally, Cox includes in its current designations testimony that may be subject to: (1) the Court's ruling on forthcoming motions *in limine*; (2) the Court's rulings on Plaintiffs' and Cox's pending summary judgment motions; and (3) the Court's ruling on Cox's Motion for Discovery Sanctions and to Preclude Plaintiffs' Use of MarkMonitor Evidence (ECF No. 241). Similarly, Cox includes in its designations testimony of certain of Plaintiffs' putative experts that it has moved to exclude and which is therefore subject to the Court's rulings on Cox's pending *Daubert* motions. Cox therefore reserves the right to amend its designations in light of any of the Court's forthcoming rulings.

Dated: September 18, 2019

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CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2019, the foregoing was filed and served electronically by the Court's CM/ECF system upon all registered users.

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